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Certification under 37 C.F.R. 1.8b

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Valerie Neymeyer-Tynkov**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.:	09/890,335
Applicant:	Cevc, et al.
Examiner:	Brian J. Gangle
Art Unit:	1645
Title:	NON-INVASIVE VACCINATION THROUGH THE SKIN
Customer No.:	85965

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

**ASSERTION OF SMALL ENTITY STATUS UNDER 37 CFR 1.27(C) AND
REQUEST FOR REFUND OF OVERPAID FEES UNDER 37 CFR 1.28**

Assertion of small entity status under 37 CFR 1.27(c): Small entity status is entitled to be asserted in the above-referenced patent application. This document is submitted to assert small entity status for this application, in good faith, before the U.S. Patent and Trademark Office.

Request for Refund of Overpaid Fees under 37 CFR 1.28: A refund in the amount of **\$710** is requested.

Applicant filed an Amendment in this application on May 26, 2009, with a credit card payment form authorizing a charge of \$1420 to pay for an RCE, a one-month extension of term, and independent/excess claims, based on large entity status. The attached credit card statement (redacted) shows payment of \$1420 to the USPTO on May 27, 2009. However, as mentioned above, this application is entitled to small entity status. As small entity status fees for the above-mentioned items are \$710, Applicant requests a refund of \$1420-\$710=**\$710**. Please submit the refund to the same credit card charged on May 27, 2009 in this application. In the event that any fees are deemed due in this application, the Commissioner and Director are authorized to pay said fees from Deposit Account No. 50-4939, or to credit any overpayment therein. Questions relating to this matter may be directed to the below-signed representative.

Respectfully submitted,


Valerie Neymeyer-Tynkov

Reg. No. 46,956

Neymeyer-Tynkov LLC

20 N. Clark St. Suite 600

Chicago, IL 60602

Phone: 312/965-1969

PTC/SB/30 (04-09)

Approved for use through 05/31/2009. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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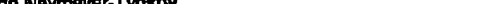
Application Number	09/890,335
Filing Date	04/08/2002
First Named Inventor	Gregor Cevc
Art Unit	1645
Examiner Name	Gangle, Brian J.
Attorney Docket Number	

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1996, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees**
- a. ☐ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

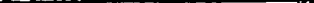
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	May 28, 2009
Name (Print/Type)	Valerie Naymeyer-Tynkov	Registration No.	46.956

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)	Yelena Nymov-Tynkov	Date	May 28, 2009

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 11/16 * RCVD AT 5/27/2009 2:09:31 AM (Eastern Daylight Time) * SVR:USPTO-EFXRF-617 * DNS:2738300 * CSID: * DURATION (mm:ss):05:44

Adjustment date: 07/27/2009 SDIRETA1
05727/2009 JVDNG 00000073 09890335
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07/27/2009 SDIRETA1 00000005 09890335

01 FC:2801

405.00 OP

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Refund Ref:
07/27/2009

Credit Card Refund Total: \$710.00

MAY 27 2009

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Valerie Neymeyer-Tynkov

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

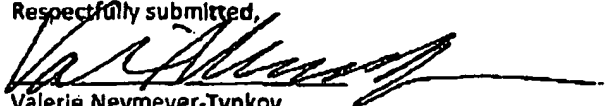
Appl. No.:	09/890,335
Applicant:	Cevc, et al.
Examiner:	Brian J. Gangle
Art Unit:	1645
Title:	NON-INVASIVE VACCINATION THROUGH THE SKIN
Customer No.:	85965

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Alexandria VA 22313-1450

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a one-month extension of the present term for responding to the Office Action issued on January 26, 2009, from the present term ending April 26, 2009 up to May 26, 2009. Payment for said extension of time accompanies this Request.

Respectfully submitted,


Valerie Neymeyer-Tynkov
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Neymeyer-Tynkov LLC
20 N. Clark St. Suite 600
Chicago, IL 60602
Phone: 312/965-1969

May 26, 2009

Adjustment date: 07/27/2009 SDIRETA1
05/27/2009 JVONG1 00000073 09890335
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US/27/2009 JVONG1 00000073 09890335
02 FC:1251 138.00 OP

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07/27/2009 SDIRETA1 00000005 09890335
02 FC:2251 65.00 OP

MAY 27 2009

USSN 09/890,335

Response to Office Action mailed January 26, 2009

Amendment filed May 26, 2009

Certification under 37 C.F.R. 1.8b

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Mail Stop Amendment
Commissioner for Patents
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AMENDMENT

Sir:

In response to the Office Action of January 26, 2009, please amend the above-identified application as set forth below. A Request for Continued Examination and a request to extend the term for responding to the Action accompanies this Amendment, as does payment of related fees.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

date: 07/27/2009 SDIRETA1
JVONG 00000005 09890335
03 FC:1201
04 FC:1202

-220.00 OP
-260.00 OP

05/27/2009 JVONG1 00000073 09890335
03 FC:1201 220.00 OP
04 FC:1202 260.00 OP

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PAGE 2/16 * RCVD AT 5/27/2009 2:09:31 AM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/7 * DNS:2738300 * CSID: * DURATION (mm:ss):05:44

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